

AMENDED IN ASSEMBLY APRIL 22, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

No. 2456

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**Introduced by Assembly Member Torrico**

February 19, 2010

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An act to amend Sections ~~1797.103~~ *1797.184* and 1797.200 of the Health and Safety Code, relating to emergency medical services.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2456, as amended, Torrico. Emergency medical services: regulation.

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, authorizes each county to designate an emergency medical services (EMS) agency, for the establishment and administration of an emergency medical services program in the county. Existing law also establishes the Emergency Medical Services Authority (EMSA), which, among other things, adopts *guidelines and* regulations governing the provision of emergency medical services. Violation of these provisions is a crime.

This bill would specify that the ~~guidelines~~ *regulations* of the authority shall include ~~model policies; and procedures; and treatment protocols~~ applicable to *the functions, certification, and licensure* of all emergency medical technician personnel, as defined, and ~~the respective licensure and certification requirements, as specified.~~ It would require the local EMS agencies to adhere to ~~the guidelines developed by the authority when establishing local policies and procedures required by statute or regulation~~ *these standards*. The bill would provide that any ~~additional~~

policies, ~~and procedures, and treatment protocols~~ implemented by a local EMS agency that are not in accordance with the ~~EMSA guidelines~~ *these standards* are subject to approval by the Director of the EMSA and the Emergency Medical Services Commission, as specified, prior to implementation. By requiring that the local entities comply with these requirements, and by changing the definition of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) For the purpose of administering an effective, statewide
- 4 system of coordinated emergency medical care and statewide
- 5 recognition of certification and licensure for emergency medical
- 6 technician (EMT) personnel, the Emergency Medical Services
- 7 Authority and the Emergency Medical Services Commission must
- 8 provide guidance to the more than 32 local emergency medical
- 9 services (EMS) agencies tasked with implementing policies and
- 10 procedures in all areas of prehospital EMS, including, but not
- 11 limited to, local accreditation of optional skills, competency tests,
- 12 training programs, demonstration of skills competency, and medical
- 13 control in order to facilitate this vital coordination and efficiency.
- 14 (b) The current statewide EMS guidelines assist in achieving
- 15 system standardization, streamlining field operations, and
- 16 continuing the authority's commitment to comprehensive planning
- 17 for EMS statewide.
- 18 (c) The statewide EMS guidelines must be strengthened in order
- 19 to do all of the following:

1 (1) Link the numerous local EMS agencies together into one  
2 coordinated statewide EMS system.

3 (2) Ensure safety, competence, and consistency to the public  
4 statewide; consistent training, competence, and delivery of  
5 prehospital EMS statewide; one standard for all EMT certified and  
6 licensed personnel, regardless of where service is delivered; and  
7 that policies are driven by research and consensus.

8 (3) Support the statewide mutual aid process by providing a set  
9 minimum level of service delivery as defined by the EMS  
10 community.

11 (d) It is the intent of the Legislature to clarify the law with  
12 respect to the authority's ability to establish guidelines for the  
13 coordinated EMS delivery by the many essential prehospital EMS  
14 stakeholders of this state.

15 ~~SEC. 2. Section 1797.103 of the Health and Safety Code is~~  
16 ~~amended to read:~~

17 ~~1797.103. (a) The authority shall develop planning and~~  
18 ~~implementation guidelines for emergency medical services systems~~  
19 ~~that address all of the following components:~~

20 ~~(1) Manpower and training.~~

21 ~~(2) Communications.~~

22 ~~(3) Transportation.~~

23 ~~(4) Assessment of hospitals and critical care centers.~~

24 ~~(5) System organization and management.~~

25 ~~(6) Data collection and evaluation.~~

26 ~~(7) Public information and education.~~

27 ~~(8) Medical disaster response.~~

28 ~~(b) The guidelines shall also specifically include model policies,~~  
29 ~~procedures, and treatment protocols applicable to all EMT~~  
30 ~~personnel, as defined in Sections 1797.80, 1797.82, and 1797.84~~  
31 ~~and the respective licensure and certification requirements for all~~  
32 ~~of the following:~~

33 ~~(1) Local accreditation.~~

34 ~~(2) Competency-based written and skills examinations.~~

35 ~~(3) Demonstration of skills competency.~~

36 ~~(4) Medical control and the use of the optional skills.~~

37 ~~(5) Approval of service providers utilizing approved optional~~  
38 ~~skills.~~

39 ~~(6) Additional training and maintenance of accreditation for~~  
40 ~~optional skills.~~

~~(7) Continued competency in the optional skills, which is monitored through various methods, including organized field care audits, periodic training sessions, or structured clinical experience, remediation plans.~~

~~(8) Field internships.~~

~~(9) Preceptor evaluation criteria for trainees.~~

~~(10) Approval and evaluation of advanced EMT service providers.~~

~~(11) Replacing medical supplies and equipment used by limited advanced life support (LALS) personnel.~~

~~(12) Supply and replacement of controlled substances administered by LALS personnel.~~

*SEC. 2. Section 1797.184 of the Health and Safety Code is amended to read:*

1797.184. The authority shall develop and, after approval by the commission pursuant to Section 1799.50, adopt all of the following:

(a) Guidelines for disciplinary orders, temporary suspensions, and conditions of probation for EMT-I and EMT-II certificate holders that protects the public health and safety.

(b) Regulations for the issuance of EMT-I and EMT-II certificates by a certifying entity that protects the public health and safety.

(c) Regulations for the recertification of EMT-I and EMT-II certificate holders that protect the public health and safety.

(d) Regulations for disciplinary processes for EMT-I and EMT-II applicants and certificate holders that protect the public health and safety. These disciplinary processes shall be in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(e) *Regulations establishing standards for policies and procedures applicable to the functions, certification, and licensure of EMT personnel as defined in Sections 1797.80, 1797.82, and 1797.84, which address all of the following components:*

*(1) Local accreditation.*

*(2) Competency-based written and skills examinations.*

*(3) Demonstration of skills competency.*

*(4) Medical control for the use of the optional skills.*

*(5) Approval of service providers utilizing approved optional skills.*

1     (6) *Additional training and maintenance of accreditation for*  
2 *optional skills.*

3     (7) *Continued competency in the optional skills, which shall be*  
4 *monitored through the use of any of various methods, including,*  
5 *but not limited to, organized field care audits, periodic training*  
6 *sessions, structured clinical experience, or remediation plans.*

7     (8) *Field internships.*

8     (9) *Preceptor evaluation criteria for trainees.*

9     (10) *Approval and evaluation of advanced EMT service*  
10 *providers.*

11     SEC. 3. Section 1797.200 of the Health and Safety Code is  
12 amended to read:

13     1797.200. (a) Each county may develop an emergency medical  
14 services program. Each county developing such a program shall  
15 designate a local EMS agency which shall be the county health  
16 department, an agency established and operated by the county, an  
17 entity with which the county contracts for the purposes of local  
18 emergency medical services administration, or a joint powers  
19 agency created for the administration of emergency medical  
20 services by agreement between counties or cities and counties  
21 pursuant to the provisions of Chapter 5 (commencing with Section  
22 6500) of Division 7 of Title 1 of the Government Code.

23     (b) A local EMS agency designated pursuant to subdivision (a)  
24 shall adhere to the ~~guidelines~~ *standards* developed by the authority  
25 pursuant to ~~Section 1797.103 subdivision (e) of Section 1797.184~~  
26 in establishing its policies and procedures required by statute or  
27 regulation.

28     (c) Any ~~additional policies, procedures, and treatment protocols~~  
29 *policies and procedures* implemented by a local EMS agency  
30 designated pursuant to subdivision (a) that are not in accordance  
31 with the authority's ~~guidelines~~ *standards* developed pursuant to  
32 ~~Section 1797.103 subdivision (e) of Section 1797.184~~ are subject  
33 to approval by the Director of the Emergency Medical Services  
34 Authority and the Emergency Medical Services Commission prior  
35 to implementation. Approval by the director and the commission  
36 pursuant to this subdivision shall only be granted if the ~~policies,~~  
37 ~~procedures, and treatment protocols~~ *policies and procedures*  
38 implemented by the local EMS agency further the purposes of this  
39 division.

1 SEC. 4. No reimbursement is required by this act pursuant to  
2 Section 6 of Article XIII B of the California Constitution for certain  
3 costs that may be incurred by a local agency or school district  
4 because, in that regard, this act creates a new crime or infraction,  
5 eliminates a crime or infraction, or changes the penalty for a crime  
6 or infraction, within the meaning of Section 17556 of the  
7 Government Code, or changes the definition of a crime within the  
8 meaning of Section 6 of Article XIII B of the California  
9 Constitution.  
10 However, if the Commission on State Mandates determines that  
11 this act contains other costs mandated by the state, reimbursement  
12 to local agencies and school districts for those costs shall be made  
13 pursuant to Part 7 (commencing with Section 17500) of Division  
14 4 of Title 2 of the Government Code.